

COMMON PLEAS COURT

IN THE COMMON PLEAS COURT OF HOLMES COUNTY, OHIO

FILED
RONDA P. STEIMEL, CLERK
CLERK OF COURTS
HOLMES COUNTY, OHIO

Kathy A. Cates
15258 Twp. Rd. 15
Glenmont, OH 44628

: 17CV004

Plaintiff,

vs.

**COMPLAINT - JURY DEMAND
ENDORSED HEREON**

Swift Transportation Company of Arizona LLC
c/o Statutory Agent National Registered Agents Inc
3800 N Central Ave Suite 460
Phoenix, AZ 85012

and

Ahmed A. Al-Atooli
7240 Neckel St
Deerborn, MI 48120

Defendants

COUNT ONE

1. Defendant Swift Transportation Company of Arizona LLC is a corporation registered and incorporated in the State of Arizona. At all times relevant herein, Defendant Swift Transportation Company of Arizona LLC was engaged in the business of interstate trucking and was the owner of a 2014 Peterbuilt semi tractor-trailer being operated by Defendant Ahmed A. Al-Atooli. Defendant Swift Transportation Company of Arizona LLC employed Defendant Ahmed A. Al-Atooli, the operator of the truck, and/or had a lease agreement with Defendant Al-Atooli to drive the truck on behalf of Defendant Swift Transportation Company of Arizona LLC.

2. At all times relevant herein, Defendant Ahmed A. Al-Atooli was an agent and/or employee of Defendant Swift Transportation Company of Arizona LLC, and was acting within

the nature and scope of his employment and authority and/or as an agent for Defendant Swift Transportation Company of Arizona LLC. Defendant Swift Transportation Company of Arizona LLC is liable to Plaintiff for the injuries and damages hereinafter described by virtue of the doctrine of *respondent superior*. Defendant Swift Transportation Company of Arizona LLC may also be liable for its independent negligence in hiring and retention of Defendant Al-Atooali, and in its supervision and control of Defendant Al-Atooali.

3. At the time of the collision described herein, Defendant Swift Transportation Company of Arizona LLC was registered with the Department of Transportation as DOT #54283. The tractor-trailer operated by Defendant Al-Atooali was displaying said numbers, thereby making Defendant Swift Transportation Company of Arizona LLC liable for all damages arising out of the collision hereinafter described.

4. On or about February 17, 2015, Defendant Ahmed A. Al-Atooali was driving the Peterbuilt truck northwest on State Route 179, in Washington Township, County of Holmes, State of Ohio.

5. As Defendant Al-Atooali drove the tractor-trailer rig northwest on State Route 179, the rig approached a plainly visible stop sign located at the intersection of State Route 179 and State Route 3. The stop sign required Defendant Al-Atooali to bring his truck to a stop and yield to traffic on State Route 3.

In spite of the plainly visible stop sign, Defendant Al-Atooali, driving within the scope of his employment for Defendant Swift Transportation Company of Arizona LLC, refused to stop and drove the tractor-trailer rig through the stop sign and into the intersection.

Because Defendant Al-Atooali refused follow the rules of the road, he drove the tractor-trailer rig into the intersection and crashed into the rear passenger side of a passenger vehicle, a Nissan Altima. The semi tractor-trailer forced the Nissan out of its lane and off the road.

6. The Nissan Altima that Defendant Al-Atooali, driving the rig owned and operated by Defendant Swift Transportation Company of Arizona LLC, crashed into was occupied by Plaintiff Kathy A. Cates. At the time Defendant Al-Atooali smashed into the Nissan, the Nissan was being operated lawfully such that the car was completely in its proper lane of travel and traveling at a lawful speed and had the right of way.

7. At such time and place, Defendant Al-Atooali, acting within the scope and authority of his agency and/or employment for Defendant Swift Transportation Company of Arizona LLC, was negligent in his operation of the semi tractor-trailer in that he failed to stop for the posted stop sign, failed to keep a proper look out, failed to yield the right of way, and was otherwise negligent. As a result of his negligence, Defendant Al-Atooali caused the semi tractor-trailer to smash into Plaintiff Kathy A. Cates's vehicle, causing harm to Plaintiff Kathy A. Cates.

8. As a direct and proximate result of the negligence or other wrongful conduct of Defendant Al-Atooali, acting within the scope and authority of his agency and/or employment for Defendant Swift Transportation Company of Arizona LLC, Plaintiff Kathy A. Cates suffered bodily injury, including injury to the neck, back, spine, right hip, left ankle and foot, suffered injury to the soft tissues surrounding the injured areas including the ligaments, muscles, and nerves adjacent thereto, suffered pain of mind and body, and was otherwise injured.

A portion of said injuries are permanent and continuing.

9. As a direct and proximate result of the negligence or other wrongful conduct of Defendant Al-Atooali, acting within the scope and authority of his agency and/or employment for Defendant Swift Transportation Company of Arizona LLC, Plaintiff Kathy A. Cates has incurred medical expenses, and it is reasonably certain that further such expenses will be incurred in the future.

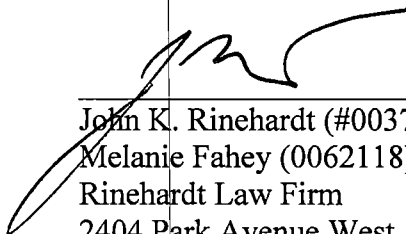
10. As a direct and proximate result of the negligence or other wrongful conduct of

Defendant Al-Atooli, acting within the scope and authority of his agency and/or employment for Defendant Swift Transportation Company of Arizona LLC, Plaintiff Kathy A. Cates has suffered loss of income.

WHEREFORE, Plaintiff Kathy A. Cates demands judgment against Defendants in such an amount, in excess of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), as will fully and fairly compensate for the damages sustained, as described above.

Plaintiff further demands an award of costs, interest, and such other relief as the Court deems just.

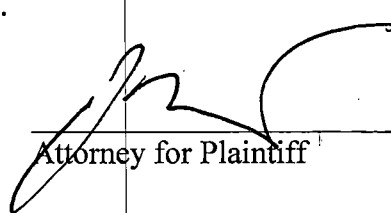
Respectfully submitted,



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JURY DEMAND

Plaintiff respectfully demands trial by jury.



Attorney for Plaintiff